

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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In the Matter of	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296
	)	

TO: The Commission

**REPLY COMMENTS OF  
THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.**

Local broadcasters have long been a critical component of the nation's emergency alerting infrastructure. In virtually every major emergency, broadcasters have been on the front lines to provide up-to-the-minute critical information to the viewing public. In response to the Commission's Further Notice of Proposed Rulemaking, which proposed to modernize the emergency alert system ("EAS"),<sup>1</sup> the Association for Maximum Service Television, Inc. ("MSTV") filed comments<sup>2</sup> explaining that improvements in digital technology have positioned broadcasters to continue to provide advanced alerting services to the public. Other commenters joined MSTV in urging the Commission to adopt reasonable and workable EAS requirements that will facilitate, not impede, the flow of information to the public, and to encourage emergency officials to provide EAS messages in multiple formats that will be accessible to the broadest range of viewers.

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<sup>1</sup> *Review of the Emerg. Alert Sys.*, Report & Order & Further Notice of Proposed Rulemaking, EB Docket No. 04-296, FCC 05-191 (rel. Nov. 10, 2005).

<sup>2</sup> Comments of the Association for Maximum Service Television, Inc., EB Docket No. 04-296 (filed Jan. 24, 2006) ("MSTV Comments").

**I. DIGITAL BROADCASTING TECHNOLOGIES WILL FACILITATE IMPORTANT ADVANCES IN THE EMERGENCY ALERT SYSTEM.**

Comments filed in this proceeding have emphasized the tremendous benefits promised by advances in digital broadcasting technology. In particular, as MSTV indicated in its comments, digital broadcasting technologies will permit emergency alerts to be dispatched more efficiently and received rapidly, in the desired format, by the appropriate members of the public.

Specifically, the record reflects overwhelming support for a uniform alerting protocol, such as the Common Alerting Protocol (“CAP”), from individual, business, and trade association commenters representing all segments of the Commission’s constituency. Commenters resoundingly agreed with MSTV’s observation that a uniform protocol is critical to ensuring that emergency alerts can be quickly distributed to broadcasters and received by the public.<sup>3</sup> According to comments filed by the Society of Broadcast Engineers soon after CAP was approved, a uniform protocol like CAP is “perhaps the most promising avenue for text transmission,” and “implementation of the CAP standard at the origination points of EAS messages would

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<sup>3</sup> See Comments of Cox Broadcasting, Inc., EB Docket No. 04-296, at 4 (filed Jan. 24, 2006) (“Cox Comments”); Comments of Harris Corp., EB Docket No. 04-296, at 5-6 (filed Jan. 24, 2006) (“Harris Comments”); Joint Comments of the Named State Broadcasters Ass’ns, EB Docket No. 04-296, at 11 (filed Jan. 24, 2006) (“NSBA Comments”); Comments of the Nat’l Ass’n of Broadcasters EB Docket No. 04-296, at 6 (filed Jan. 24, 2006) (“NAB Comments”); Comments of the Nat’l Cable & Telecoms. Ass’n, EB Docket No. 04-296, at 5 (filed Jan. 24, 2006) (“NCTA Comments”); Comments of the Rehab. Engineering Research Ctr., EB Docket No. 04-296, at 4 (filed Jan. 24, 2006) (“Wireless RERC Comments”); Comments of the Society of Broadcast Engineers, Inc., EB Docket No. 04-296, at 13 (filed Jan. 24, 2006) (“SBE Comments”); Comments of TFT, Inc., EB Docket No. 04-296, at 7-8 (filed Jan. 24, 2006) (“TFT Comments”); Comments of the U.S. Geological Survey, EB Docket No. 04-296 (filed Jan. 24, 2006) (“USGS Comments”); Comments of the WGBH Nat’l Ctr. for Accessible Media & Rehab., EB Docket No. 04-296, at 9 (filed Jan. 24, 2006) (“WGBH Comments”).

be a quantum improvement” over the existing system.<sup>4</sup> In its comments, WGBH, like many others, agreed with that assessment and lauded a uniform protocol as a critical means for ensuring efficient distribution of emergency information.<sup>5</sup>

Commenters also acknowledged the important role for new digital broadcasting technologies to revolutionize emergency alerting.<sup>6</sup> The Association for Public Television Stations (“APTS”) noted, for instance, that broadcasters could use “datacasting” capabilities to transmit data over a digital broadcast signal in a “nearly instantaneous [manner], compressing minutes of alert time and information lags to just a few seconds.”<sup>7</sup> Additionally, new digital alerting technology “can bypass the congestion common to wireline and wireless services.”<sup>8</sup>

As MSTV noted in its comments, a key benefit of digital broadcast alerting is the ability to use “virtual private paths” to target emergency alerts to the specific members of the public who are affected.<sup>9</sup> According to APTS, the “addressable” nature of digital broadcasting makes it possible for “public safety agencies [to] pinpoint to whom the data is sent, whether to relevant agencies, mobile units, or first responders in the field.”<sup>10</sup> The same technology makes it possible to deliver alerts directly to viewers

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<sup>4</sup> Comments of the Society of Broadcast Engineers, Inc., EB Docket No. 04-296, at 18 (filed Oct. 29, 2004) (“SBE 2004 Comments”).

<sup>5</sup> WGBH Comments at 9.

<sup>6</sup> Comments of the Ass’n of Public Television Stations, EB Docket No. 04-296, at 3 (filed Jan. 24, 2006) (“APTS Comments”); Cox Comments at 3; Comments of Betty J. Dodds, EB Docket No. 04-296 (filed Jan. 24, 2006); NAB Comments.

<sup>7</sup> APTS Comments at .3

<sup>8</sup> *Id.*

<sup>9</sup> MSTV Comments at 4-7.

<sup>10</sup> APTS Comments at 3.

in specific geographic areas or who are interested in certain types of emergency information. Through the use of digital technology, if emergency officials generate alerts in multiple formats – for instance, textually and audibly in English and Spanish – broadcasters can pass all of the content through so that viewers will be able to receive the information in the format that is relevant to them.

The “addressable” nature of digital broadcasting technology also reduces the “white noise” associated with irrelevant EAS messages intended for other geographic areas, and permits viewers to use alerting equipment that, to a greater extent, provides them with customized notifications. Because the frequency of irrelevant alerts will be much lower, viewers will be more likely to pay attention to the alerts that they do receive, and the effectiveness of the emergency alert system will be dramatically increased.

The ability to provide targeted, multi-formatted alerting is particularly important for viewers with disabilities, who will be able to choose to receive only emergency alerts that are relevant to them, and only in a format that they can readily understand. The bandwidth efficiencies associated with advances in digital technology will make it possible for viewers with hearing or vision impairments to select the type and format of information they want to receive. Because several pieces of content can be sent out at once, digital technology will also permit broadcasters to simultaneously transmit EAS activations and other emergency information being generated by the station itself, and will therefore reduce conflicts that prevent all viewers, including viewers with disabilities, from rapidly receiving emergency messages.<sup>11</sup>

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<sup>11</sup> Viewers with hearing impairments are also more likely to efficiently receive emergency information, in light of changes made by many television broadcasters earlier

## **II. MANDATORY STATE AND LOCAL ALERTING ACCESS WOULD UNDERMINE THE MANY BENEFITS OF A UNIFORM EMERGENCY ALERT SYSTEM.**

The commenters overwhelmingly acknowledged the importance of localism in emergency alerting, and emphasized the extent to which broadcasters already participate in state and local emergency alert activations on a voluntary basis.<sup>12</sup> As MSTV stated in its comments, the current system of voluntary cooperation with state and local authorities has worked well, and there is no reason to require mandatory participation at this point.<sup>13</sup>

If the Commission decides to give state governments authority to mandate EAS activations, however, commenters overwhelmingly urge that the Commission should be circumspect in extending that authority too broadly. Specifically, the federal government should establish clear lines of EAS authority and should “lead the who, what, when and where of emergency alerting through a comprehensive, coordinated nationwide public warning system applicable to all states and localities.”<sup>14</sup> To avoid confusion, the Commission should provide authority directly to the governor or to the governor’s designated emergency official, and not to state governments generally.

In its comments, Cox Broadcasting noted, “The absence of clear guidelines and responsibilities among the first activators of the EAS causes significant problems. Among the local, state, and national agencies and authorities, many are

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this year to dramatically increase the proportion of their programming that is closed captioned.

<sup>12</sup> APTS Comments at 3-8; NSBA Comments at 4-10 (surveying EAS efforts in individual states); NAB Comments at 2 and Appendix A; Comments of the Nat’l Public Safety Telecomms. Council, EB Docket No. 04-296, at 5 (filed Jan. 24, 2006).

<sup>13</sup> MSTV Comments at 7.

<sup>14</sup> NCTA Comments at 8.

unaware of how, when, or where to activate the alerts, and jurisdictional issues may arise in a metropolitan area with many potentially overlapping authorities. . . .”<sup>15</sup> MSTV agrees. If the FCC provides alerting authority to state governors or their designees, it should “establish a mechanism to ensure that consistent, accurate information is provided to broadcasters so that they, in turn, can deliver the necessary information to the public.”<sup>16</sup>

Importantly, this confusion can be partially addressed through the use of a common alerting protocol or other technological means that will ensure that alerts are distributed efficiently from emergency officials to the members of the public who need to receive them. But commenters have been clear that any effective emergency alert system must start with a clear line of authority, detailed training for the officials that activate it, and explicit guidelines concerning when and how officials should activate the EAS.<sup>17</sup>

### **III. THE COMMISSION SHOULD ENCOURAGE ALERTING AGENCIES TO TRANSMIT MORE WIDELY ACCESSIBLE EMERGENCY ALERTS.**

Commenters uniformly acknowledged the importance of ensuring that emergency alerts are available, in a consistent manner, to viewers both visually and aurally. They emphasized that, in addition to the use of broadcasting as a core method for distributing alerts, any next-generation EAS should incorporate the new

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<sup>15</sup> Cox Comments at 6.

<sup>16</sup> *Id.* at 7.

<sup>17</sup> *See, e.g.*, Wireless RERC Comments at 9 (suggesting that “[m]andatory plans, along with periodic training, would help ensure that officials are better prepared during emergencies).

communications technologies that are increasingly used by individuals with disabilities.<sup>18</sup>

As described above, the next-generation EAS should also leverage the unique and important accessibility benefits that digital broadcasting technology will provide.

To this end, the Commission should encourage EAS activating agencies to provide alerts in both multiple formats.<sup>19</sup> By providing alerts in multiple formats, emergency officials could ensure that EAS messages are available, in an accurate and rapid manner, to as many people as possible. Unified text/audio alerts from EAS activators, for instance, would ensure that key information is available to viewers both visually and audibly. Similarly, in localities that have significant populations of speakers of Spanish or other foreign languages, local emergency officials should be encouraged to generate alerts in languages that ensure rapid accessibility to the public. Regardless of the specific formats used, it is critical that emergency officials should be in full control of the information being provided. This centralized control would permit emergency officials to specifically validate the information being provided to the public, and would avoid existing problems associated with mismatch of header or other textual information and audio content.

Commenters overwhelmingly urged the Commission not to require local broadcasters to perform real-time transcribing or translating services.<sup>20</sup> In its comments,

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<sup>18</sup> *See, e.g.*, Wireless RERC Comments at 10-13 (describing the increased use of personal digital assistants and cell phones with text-to-speech capability by people with visual impairments).

<sup>19</sup> *See* Comments of Telecomms. for the Deaf & Hard of Hearing, Inc., et al., EB Docket No. 04-296, at 6 (filed Jan. 24, 2006) (“TDDH Comments”).

<sup>20</sup> Comments of the Community Broadcasters Ass’n, EB Docket No. 04-296, at 3-4 (filed Jan. 24, 2006) (“CBA Comments”); NAB Comments at 7-10; NCTA Comments at 12-13; NSBA Comments at 16-17; SBE Comments at 23; WGBH Comments at 8 (citing SBE 2004 Comments)

the National Association of Broadcasters (“NAB”) detailed the recent dramatic and voluntary cooperation of local broadcasters affected by Hurricane Katrina.<sup>21</sup> That voluntary cooperation, along with the substantial and critical public benefits that it provided, would not have been sustainable if the FCC’s proposed transcription requirement had been in place. Because that proposal requires that the textual message displayed be identical to the audio message, the NAB explains that it would “constitute[] a *de facto* requirement that television broadcast stations real-time caption EAS information.”<sup>22</sup> As a result, the New Orleans area broadcasting community would have been faced with unnecessary delays in obtaining stenocaptioning service before distributing an emergency alert to the public.<sup>23</sup>

In practice, a transcription requirement would be unworkable, and would impose serious barriers to the success of the next-generation EAS. Real-time transcription and translating services are often routinely unavailable to broadcasters on short notice. Under emergency conditions, it would likely be impossible for every broadcaster to obtain transcription or translating service in the seconds after an EAS activation. In a best-case scenario, alerts would be delayed for critical minutes while these services were performed. More realistically, however, it would simply be impossible, in light of the immediate demand for such services and any damage to infrastructure caused by an emergency, to obtain emergency transcription and translation services.

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<sup>21</sup> NAB Comments at 2 and Appendix A.

<sup>22</sup> *Id.* at 9-10.

<sup>23</sup> *Id.* at 10.



Although the vast majority of commenters agreed with MSTV that transcription and translation obligations were unrealistic and would create serious problems for non-English speakers and for viewers with hearing and visual impairments, a few commenters supported the Commission's proposal to impose these requirements. Specifically, they believed that it was important to ensure that these segments of the viewing public have access to emergency information, and that the benefits of such requirements outweigh the admittedly significant burdens on broadcasters.<sup>24</sup> MSTV agrees that it is important to ensure that these groups have access to EAS alerts, but it emphasizes that the Commission's proposed approach is rife with unnecessary complications that would, in practice, impede, not facilitate, the provision of emergency information to these important groups.

Instead of imposing burdensome obligations on broadcasters that could drastically limit the public's access to emergency information, substantially the same goals can be met if the emergency officials themselves provided unified audio/text alerts, and if EAS activations included translations into non-English languages commonly used in the region affected by the emergency. Performing transcriptions or translations once, at an emergency communications center or other facility that is already equipped to handle such tasks, would eliminate errors and delays caused by rushed transcription or translation in the limited cases in which such services could be obtained in an emergency. More importantly, viewers with hearing or visual impairments will always get rapid, accurate information in the format most relevant to them, and without the delays and inaccuracies associated with obtaining emergency transcription and captioning services.

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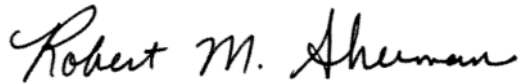
<sup>24</sup> ISBA Comments at 3-5; TDHH Comments at 8.

In short, putting emergency officials in control of the information they wish to distribute is the best and most realistic way of ensuring that emergency alerts are distributed as broadly and accurately as possible.

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Local broadcasters are, and will continue to be, the cornerstone of any effective emergency alert system. MSTV supports the Commission's goals in modernizing the EAS, and its members stand ready to continue their exemplary service to their communities using advanced digital broadcast technology. MSTV emphasizes, however, that the next-generation EAS, like the system currently in place, should feature realistic requirements and voluntary cooperation that will ensure success of the system for all of its participants.

Respectfully submitted,



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